IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10959 of 2005

Between:

Sri Peethani Ramakrishna S/o. Venkataratnam
R/o. Ilapakurru Village, Yuelamanchili Mandal, West Godavari District.

..... PETITIONER

AND

The Gram Panchayat, Ilapakurru Village, Yelamanchili Mandal, West Godavari District, Rep. by its Secretary.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondent herein in attempting to demolish the house of the petitioner and interfering with his peaceful possession and enjoyment of the petitioner over the house bearing D.No.1-91 admeasuring 600 sq. yds, situated in Sy.No. 258/1, of Ilapakurru Village and Gram Panchayat, Yelamanchili Mandal, West Godavari District, as illegal, arbitrary and violative of Constitutional Provisions and consequently direct the Respondents herein not to demolish any structure and not to interfere with the peaceful possession and enjoyment of the petitioner or with the subject property in any manner i.e, the house bearing D.No. 1-91 admeasuring 600 Sq. Yds,. situated in Sy.No. 258/1, of Ilapakurru Village and Gram Panchayat, Yelamanchili Mandal, West Godavari District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.K.GANI REDDY

Counsel for the Respondent: MR.SRINIVAS DAMMALAPATI

The Court, at the admission stage, made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.10959 OF 2005

ORDER:

The petitioner approached this Court through this writ petition seeking to declare that the action of the respondent-Gram Panchayat, Ilapakurru village, Yelamanchi Mandal, West Godavari District, in attempting to demolish the house of the petitioner, as illegal and arbitrary and to direct the respondent-Gram Panchayat not to demolish the structure and not to interfere with the peaceful possession and enjoyment of the petitioner.

The petitioner claims that he is in possession and enjoyment of the property and he raised a hut which is being used as a dwelling house. He filed a civil suit and it is pending adjudication in respect of the same property. The issue whether the disputed property is the absolute property of the petitioner or whether it is property of the respondent is purely the questions of fact to be adjudicated by a civil Court. Therefore, the petitioner cannot maintain the writ petition.

Hence, the Writ Petition is dismissed without any order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated May 3, 2005.

ycr/kvr

To

1. The Secretary, Gram Panchayat, Ilapakurru Village, Yelamanchili Mandal, West Godavari District.

2. 2 CD copies.